

REMARKS

This Amendment filed in response to the non-final Office Action dated July 2, 2007, is believed to be fully responsive to the rejections raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

In the present Amendment, claim 1 has been amended to incorporate the subject matter of claim 5.

Claim 5 has been canceled without prejudice.

Claims 6 and 7 have been amended by changing the claim dependency from claim 5 to claim 1.

Claims 9 and 11 have been amended to improve their form.

No new matter has been added. Entry of the Amendment is respectfully requested. Upon entry of the Amendment, claims 1-4 and 6-12 will be all the claims pending in the application.

I. Response to § 102(e) Rejection Based on Xu

Claims 1-4, 9 and 10 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. 2004/0077745 to Xu (hereinafter "Xu").

Without conceding to the merits of the rejection, Applicant concurrently submits herewith a sworn English translation Applicant's priority document Japan 2002-298895. Applicant respectfully submits that his claim for foreign priority under 35 U.S.C. § 119 (a) - (d) has been perfected.

Support under 35 U.S.C. § 112 for each claim can be found in the priority document as indicated in the claim chart below:

Claim	Support in JP 2002-298895 (citations are to the English translation)
Claim 1	p. 11 at [0012], p. 14, at [0019] .
Claim 2	p. 20 at [0031].
Claim 3	p. 20 at [0031].
Claim 4	p. 20 at [0031].
Claim 6	p. 12 at [0014].
Claim 7	p. 16 at [0023].
Claim 8	p. 17 at [0023].
Claim 9	p. 17 at [0026].
Claim 10	p. 18 at [0028].
Claim 11	p. 23 at [0038].
Claim 12	p. 24 at [0042] and p. 25 at [0042].

In view of the above, the Examiner is respectfully requested to remove Xu as a prior art reference because the § 102(e) date of Xu is later in time than Applicant's priority date of October 11, 2002. Withdrawal of the rejection is therefore requested.

Applicant further traverses the rejection on the merits. A claim is anticipated only if each and every element as set forth in the claim is taught in a single prior art reference. Claim 1 has been amended to incorporate the subject matter of claim 5. The Examiner correctly admits that Xu fails to teach a composition wherein the component (A) is blended in an amount of from 10

to 80 parts by mass based on 100 parts by mass of the total sum of the polymerizable material comprising the component (A) and the component (B). (See, Office Action of July 2, 2007 at pages 5-6). Thus, Xu does not teach the limitations of claim 1 as amended. Withdrawal of the rejection is requested.

II. Response to Rejection Under 35 U.S.C. §§ 102(a) and (e) Based on Takamatsu et al.

Claims 1-4 and 9-12 are rejected under 35 U.S.C. §§ 102(a) and 102(e) as allegedly being anticipated by U.S. 2003/0062125 to Takamatsu et al. (hereinafter "Takamatsu et al.").

Takamatsu et al. is directed to a photocationic-curable resin composition comprising: (A) a cationic-polymerizable compound(2A), (B) a photocationic initiator, and (C) an aromatic ether compound or an aliphatic thioether compound. (See, Takamatsu et al. at p. 11, ll. 1-6 in the right column). Takamatsu et al. teaches epoxy compounds and oxetane compounds as examples of component (2A), (Id. at [0031]); specific examples of the epoxy compounds of component (2A), (Id. at [0032] to [0033]); and various kinds of compounds as examples of the oxetane compounds of component (2A) (Id. at [0034] to [0078]. These examples include the compound comprising one oxetane ring ([0034] to [0042]) and the compound comprising two or more oxetane rings ([0043] to [0078]); a fine particle inorganic filler capable of being blended in the composition and having a primary particle average diameter of 0.005 to 10 microns. (Id. at [0112] to [0116]).

A claim is anticipated only if each and every element as set forth in the claim is taught in a single prior art reference. Applicant submits that Takamatsu et al. does not teach a composition having: (A) a monofunctional oxetane compound containing one oxetanyl group in the molecule thereof; (B) a compound containing two or more cationic ring-opening polymerizable cyclic ether residues in the molecule thereof; (C) a cationic polymerization

initiator having latency; and (D) a metal oxide fine particle having a particle size of from 1 to 1,000 nm. Specifically, Takamatsu et al. does not teach a composition, wherein component (A) is a monofunctional oxetane compound. The oxetane compound used in Examples 2 shown in Table 1 of Takamatsu et al. has two oxetanyl groups (oxetane compound a-2) (See, Takamatsu et al. at page 10, at [00168]).

Further, the examples set forth in Takamatsu et al. do not teach or suggest compositions comprising all of the components (A), (B), (C), and (D). For instance, Example 2 is the only example of a composition comprising an oxetane component, but the composition does not teach or suggest fine particle inorganic filler having a particle size of from 1 to 1000 nm as recited in claim 1.

Furthermore, Claim 1 has been amended to incorporate the subject matter of claim 5. Takamatsu et al. does not teach a cationic polymerization type composition comprising components (A) to (D), as mentioned above, wherein the component (A) is blended in an amount of from 10 to 80 parts by mass of the total sum of the polymerizable material comprising the component (A) and the component (B). The Examiner correctly admits that Takamatsu et al. fails to disclose a composition wherein the component (A) is blended in an amount of from 10 to 80 parts by mass of the total sum of the polymerizable material comprising the component (A) and the component (B). (See, Office Action of July 2, 2007 at page 7). Thus, the composition of claim 1 is not taught in Takamatsu et al.

Claims 2-4 and 9-12 depend directly or indirectly from claim 1 and are therefore patentable over Takamatsu et al. Applicant respectfully requests withdrawal of the rejection.

For the above-mentioned reasons, Takamatsu et al. does not teach a polymerization type composition comprising components (A) to (D) as recited in claim 1, as amended. Withdrawal of the rejection to claims 1-4 and 9-12 is respectfully requested.

III. Response to Rejections Under 35 U.S.C. § 103(a)

Claims 5-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Xu in view of JP 11-140279 to Igarashi et al. (hereinafter "Igarashi et al."). Claims 5-8 are also rejected under 35 U.S.C. § 103(a) as being unpatentable over Takamatsu et al. in view of Igarashi et al.

The rejection of claim 5 is moot because claim 5 has been canceled without prejudice. Withdrawal of the rejection is requested.

Applicant respectfully submits that claims 6-8 are patentable over Xu and Igarashi et al. because Applicant has perfected his claim for foreign priority under 35 U.S.C. § 119 (a) - (d). Thus, Xu is no longer a prior art reference because the § 102(e) date of Xu is later in time than Applicant's priority date of October 11, 2002. Furthermore, Igarashi et al. does not teach or suggest a cationic polymerization type composition according to claims 6-8. Withdrawal of the rejection is therefore requested.

Claims 6-8 are also patentable over Takamatsu et al. in view of Igarashi et al. The Examiner correctly admits that Takamatsu et al. fails to disclose a composition wherein the component (A) is blended in an amount of from 10 to 80 parts by mass of the total sum of the polymerizable material comprising the component (A) and the component (B). (See, Office Action of July 2, 2007 at page 7). Additionally, as mentioned above, the examples set forth in Takamatsu et al. do not teach or suggest compositions comprising all of the components (A), (B), (C), and (D).

Further, Igarashi et al. does not teach or suggest a composition comprising components (A) to (C) in combination with component (D). Specifically, the invention is directed to a composition having low viscosity and capable of providing a soft cured product. The examples evaluate the viscosity, tensile strength and stretch rate.


On the other hand, the present invention is directed to a cationic polymerization type composition which reduces the residual stress at the time of curing, wherein the composition has high adhesion, high surface hardness and abrasion resistance. (See, Specification, p. 6, lines 2-12). The Examples in the present specification demonstrate that the cured product of the composition of the present invention reduces the residual stress at the time of curing, and has excellent hardness, adhesion, and abrasion resistance. (See, Specification at Table 1 at page 35, and Table 2 at page 37). Based on comparative studies, compositions without component (D) have insufficient reduction of the residual stress at the time of curing, and have poor hardness and poor abrasion resistance. (See, Specification, Comparative Example 2 of Tables 1 and 2).

For the reasons mentioned above, Igarashi et al. does not disclose the component (D) of the present invention. Further, Takamatsu et al. and Igarashi et al. alone or combined do not teach or suggest the effect of component (D), such that the residual stress is reduced at the time of curing and the cured product has excellent hardness and abrasion resistance. Thus, it is not obvious to combine Igarashi et al. and Takamatsu et al. to arrive at the present invention.

Accordingly, the Examiner is kindly requested to reconsider and withdraw the § 103 rejection of claims 5-8 based on Takamatsu et al. in view of Igarashi et al.

Allowance is respectfully requested.

Respectfully submitted,


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